

**DRAFT RESOLUTION**

**WHEREAS**, in November of 2018 Council adopted “Water Forward: An Integrated Water Resource Plan”, a culmination of over three years of effort by the task force, staff, and consultants, which represents a transformational plan for Austin that will guide Austin’s water future for the one hundred years; and

**WHEREAS**, The Water Forward plan includes a robust set of strategies to conserve water, reducing the total volume of water used in Austin, and making our buildings and landscapes more water efficient; and

**WHEREAS**, Water Forward also includes strategies which will help Austin make use of alternative water sources, such as treated rainwater, stormwater, graywater, air conditioning condensate, and highly treated wastewater effluent to meet non-drinking water demands, such as toilet flushing and irrigation; and

**WHEREAS**, The plan also recommends modifying what is currently in code to require more new developments to connect to the City’s reclaimed water system and recommends expansion of the reclaimed water system to meet growing non-drinking water demands in the future; and

**WHEREAS**, Water use benchmarking and budgeting uses standards to “benchmark” how much water buildings of a certain size and type would be expected to use. Based on these benchmarks, a “water budget” can be created to track water use in a given building and help users meet their water benchmark; and

**WHEREAS**, Expansion of existing centralized reclaimed water system connection requirements for new commercial and multifamily development would assist in achieving the Water Forward Centralized Reclaimed Water System volumetric targets towards minimizing the use of drinking water supply to meet non-drinking water demand; and

**WHEREAS**, Beginning in 2015, Austin required new commercial developments and redevelopments within 250 feet of a reclaimed water main to connect for irrigation, cooling, and other significant non-potable water uses. Those facilities that are “purple pipe” ready can begin to take advantage of the reduced rates, even before the reclaimed water line has reached their location. The reclaimed water initiative is an integral part of the City’s water conservation program and saves on average about 1.2 billion gallons of drinking water a year; and

**WHEREAS**, Developing rules and requirements for onsite water reuse systems as well as an incentive program for onsite water reuse systems is critical in achieving the plan’s goals towards reducing demand for potable water; and

**WHEREAS**, In December 2020, the City Council adopted the Onsite Water Reuse Systems Ordinance, adding Chapter 15-13 to the City of Austin Code, to regulate the collection, treatment, and use of alternative water sources for non-potable uses in multi-family and commercial buildings; and

**WHEREAS**, in April 2021, the City Council approved an onsite water reuse systems incentive program; and

**WHEREAS**, Establishing a requirement that large development projects have an onsite water reuse system starting December 1, 2023 will further enhance water savings through the use of these systems; and

**WHEREAS**, Specific ordinances to implement the strategies of (1) Water Benchmarking and Water Balance Calculating, (2) Onsite Water Reuse System Rules and Incentive Programs, and (3) Expanding Reclaimed Water Connection Requirements were previously proposed and

reviewed by Council during the Land Development Code Revision Process, which has been stalled due to litigation for over a year; and

**WHEREAS**, Austin Water proposed the following language for Water Forward Land Development Code Revision Changes:

“23-9D-1020 Definitions

**LARGE DEVELOPMENT PROJECT.** The construction of one or more multi-family, mixed use or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of 250,000 square feet or more.

**SMALL DEVELOPMENT PROJECT.** The construction of one or more multi-family, mixed use or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of less than 250,000 square feet.

23-9D-1040 Development Project Requirements

(A) Water Benchmarking and Water Balance Calculation.

(1) Applicability. This subsection applies to a small or large development project for which a site plan application under Division 23-6B-2 (Site Plan Review) is submitted on or after June 1, 2020.

(2) Director’s Review and Approval.

(a) A site plan application must include a completed water benchmarking application and water balance calculator.

(b) Approval of the water benchmarking application and water balance calculator by the director is required as a condition of site plan approval.

(B) Director Consultation Required. In addition to the requirements in Subsection (A), an applicant requesting approval of a large development project must meet with the director prior to site plan release to discuss water efficiency code requirements, water use benchmarking data, and incentives and rebates for alternative water use.

#### 23-9D-1050 Onsite Water Reuse System Rules and Incentive Program

(A) An onsite water reuse system is required for a large development project for which a site plan application is submitted under Division 23-6B-2 (Site Plan Review) on or after December 1, 2023.

(B) By December 1, 2020, the director shall:

- (1) Adopt rules to implement, administer, and enforce this article, including rules to regulate the treatment, monitoring, and reporting requirements for onsite water reuse systems; and
- (2) Develop an incentive program for onsite water reuse systems

#### 23-9D-1030 Reclaimed Water Connection Requirements

(A) A small development project located within 250 feet of a reclaimed water line shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and other significant non-potable water uses identified in the water balance calculator.

(B) A large development project shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing and other significant non-potable water uses identified in the water balance calculator if the large development project is located within 500 feet of a reclaimed water line.

(C) The director may grant a variance for the requirements of this section for:

- 1) Small development projects if site conditions are such that compliance would represent a significant financial hardship or health risk to the applicant or the public;
- 2) Large development projects if site conditions are such that compliance would represent a health risk to the applicant or the public; or
- 3) Municipal uses associated with law enforcement or public health and safety.”

**WHEREAS**, of these items proposed by Austin Water, with regard to the proposed 23-9D-1050 Onsite Water Reuse System Rules and Incentive Program, the items in (B)(1) have been

addressed by Council's adoption on December 10, 2020 of new Chapter 15-13 with regulations for onsite water reuse systems, and for (B)(2) by Council's approval of an incentive program on April 22, 2021, with the requirement in (A) for new large developments projects on or after December 1, 2023 to include an onsite water reuse project remaining to addressed along with the other proposed items.

; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Council initiates amendments to City Code Chapter 25-9 (Water and Wastewater) to:

1. Implement development project requirements for water benchmarking and water balance calculations;
2. Implement mandatory onsite water reuse system requirement for large development projects; and
3. Expand reclaimed water connection requirements.

These ordinances should adhere as closely as possible to the language and intent of the ordinances previously drafted and reviewed through the proposed revision of the Land Development Code.

**BE IT FURTHER RESOLVED:**

Council initiates an ordinance waiving the requirements for Commission review of a Land Development Code amendment in City Code Section 25-1-502 (Amendment Review) to expedite the implementation of these water conservation strategies and bring them directly to City Council for public hearing and consideration.